

The York County Board of Commissioners met according to law on May 4, 2010 at 9:39 a.m. as per notice in the York News Times on April 29, 2010, with Chairman Augustus M. Brown, Jr., Steve Neujahr, Eugene Bergen, Kurt Bulgrin and Patricia Bredenkamp. Also present were Melanie Wilkinson, correspondent for the York News Times and Bill Bamesberger.

The agenda of the meeting was posted on the bulletin board in the County Clerk's office and a copy of the agenda was made available to each Commissioner.

Brown announced that the Open Meetings Law was posted outside the door along with a copy in the back of the Board room. Proof of publication was also available.

The Board met with Elected Officials and Department heads prior to the regular meeting. No action was taken.

Moved by Bulgrin, seconded by Bredenkamp that the minutes of the York County Board of Commissioners for April 20, 2010 be approved; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Neujahr to adopt the amended agenda for the Board of Commissioners for Tuesday, May 4, 2010; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

An Addendum for the Cooperative Reimbursement Agreement for Child Support Services was reviewed by the Board. This involves the computers used for child support.

Moved by Bulgrin, seconded by Bergen to authorize the Chairman of the York County Commissioners to sign Addendum #2, Cooperative Reimbursement Agreement for Child Support Services along with the York County Attorney's signature; roll call: yeas, Bulgrin, Bergen, Bredenkamp, Neujahr and Brown; nays, none; motion carried.

**Addendum #2
For Cooperative Reimbursement Agreement
For Child Support Services**

1. County/Authorized Attorney Child Support offices will be required to convert from Lotus Notes to Microsoft Exchange via Microsoft Outlook Web Access, which will be accessible through the internet and the CITRIX CHARTS environment. The County will be allowed to submit associated costs for Outlook Exchange to the Department for reimbursement.

2. County/Authorized Attorney Child Support offices will be responsible for purchasing and maintaining their own computers, printers, software and information storage devices. The County will be allowed to submit some of the costs associated with these purchases for reimbursement. As per the cooperative Reimbursement Agreement, prior written approval shall be obtained from the Department for the purchase, lease or rental (when State or Title IV-D Federal matching funds are used) of equipment with a unit cost of \$500 or more.

These changes will become effective on July 1, 2010. All other terms and conditions of said Agreement not herein amended shall remain in full force and effect.

Executed by the parties or their authorized representatives this 4th day of May, 2010.
Todd L Reckling, Director Division of Children and Family Services
Augustus M. Brown, Jr. Chairman, York County Board of Commissioners
William D. Sutter, York County Attorney

County Attorney Sutter introduced the newly appointed Deputy County Attorney, Candice Dick.

Moved by Bulgrin, seconded by Bredenkamp to adopt Resolution #10-29 to appoint Candace Dick as the Deputy County Attorney and set the salary at \$45,000.00 as of April 26, 2010; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

RESOLUTION #10-29

WHEREAS, the York County Attorney, William D. Sutter, has appointed Candace Dick to the position of Deputy County Attorney to fill the opening resulting from the appointment of William D. Sutter to fill the unexpired term of Tim Sieh as County Attorney; and

WHEREAS, Candace Dick is licensed to practice law in the State of Nebraska and is otherwise qualified to fill the appointment as Deputy York County Attorney;

NOW, THEREFORE, BE IT RESOLVED, that the County Board hereby approves and consents to the appointment of Candace Dick to the position of Deputy County Attorney for York County, Nebraska effective April 26, 2010 with an annual salary for this position in the sum of \$45,000.00.

Dated this 4th day of May, 2010.

The Board reviewed the General Assistance cases.

Case #10-16 was a request for payment of utilities in the amount of \$232.75.

Moved by Bergen, seconded by Neujahr to approve case #10-16 for utilities in the amount of \$232.75; roll call: yeas, Bergen, Neujahr, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

Case #10-17 was a request for payment of utilities in the amount of \$269.62.

Moved by Bredenkamp, seconded by Bulgrin to approve case #10-17 for utilities in the amount of \$269.62; roll call: yeas, Bredenkamp, Bulgrin, Bergen, Neujahr and Brown; nays, none; motion carried.

The Board reviewed the payroll and vendor claims.

Moved by Bulgrin, seconded by Bergen to approve the payroll in the amount of \$117,030.01 and vendor claims; roll call: yeas, Bulgrin, Bergen, Bredenkamp, Neujahr and Brown; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Rd	Ace Irrigation and Mfg	Culverts	75.12
Gen	Afternooners	Meals	19.82
Rd	Allied Oil & Supply, Inc.	Oil	387.16
Visitors Prom	Avery Outdoor	Billboard Rental	240.00
Aging	Bag N Save	Supplies	1,465.27
Gen	Tammie Bamesberger	Reimbursement	17.07
Gen	Bob Barker Company, Inc.	Supplies	123.61
Gen, Rd	Batterton Home Improvement	Building Maintenance	175.60
Gen, Rd	Black Hills Energy	Heating Fuels	776.61
Gen	Blue Knight Security	Security Contract	942.00
Gen	Buchanan County Sheriff	Court Costs	21.50
Rd	Car Parts	Repair Parts	608.33
Gen	Charlie's U Save Pharmacy	Medical-Prisoners	102.22
Gen	Claritus	Supplies	44.38
Gen, Rd	Constellation NewEnergy Gas Div	Heating Fuels	2,013.87
Gen	Teresa Contatore	Reimbursement	309.70
Gen	Donna's Computer Sales & Serv	Office Equipment	52.50
Gen	Douglas County Court	Court Costs	2.75
Gen, Rd	Eakes Office Plus	Office Supplies	216.20
Gen	Election Systems & Software, Inc.	Voting Supplies	3,785.65
Rd	Farm Plan	Repair Parts	62.00
Rd	Filter Care	Repair Parts	193.45
Gen	First Concord Benefits Group, LLC	Insurance	1,211.94
Gen	Stephen Fisher	Mileage	54.00
Rd	Garrett Tires & Treads	Tire Repair	187.50
Gen	Graham Tire Lin. North	Tire Repair	475.64
Gen	Hamilton County Sheriff's Dept	Court Costs	18.50
Gen	Cynthia D Heine	Reimbursement	21.09
Gen	Hitz Towing, Inc.	Vehicle Maintenance	70.00
Gen	Hy-Tec Auto Service	Vehicle Maintenance	591.05
Gen	Roger E Jackson	Mileage	55.00
Gen	Jackson Services Inc.	Building Maintenance	85.00
Gen	James Publishing	Supplies	234.96
Rd	Johnson Sand & Gravel Co., Inc.	Gravel	6,675.63
Gen	David Kimble	Attorney Fees	75.00
Visitors Prom	The Lamar Companies	Billboard Rental	460.00
Gen	LaRue Distributing, Inc.	Supplies	35.98
Gen	Latimer Reporting	Court Costs	157.70
Rd	Lichti Bros Oil Co Inc.	Fuel	16,977.60
Gen	Light and Siren	Equipment	704.80
Aging	Dawn Lotspeich	Meals	8.88
Rd	Lyle Signs, Inc.	Signs & Posts	1,276.00
Rd	Mac Tools Distributor	Shop Tools	20.39
Gen	Malouf & Associates	Janitorial Supplies	731.45
Rd	Mead Lumber & Rental-York	Building Maintenance	25.04
Gen	MIPS Inc.	Microfilming Costs	621.39
Gen	Mogul's Transmission, Inc.	Court Costs	45.00
Gen	Jeanne Morand, Court Reporter	Court Costs	251.25
Gen	Naber's Repair Service	Building Maintenance	82.39
Gen	National Paper & Sanitary Supply	Janitorial Supply	144.72
Drug Test	Ne Public Health Environmental Lab	Drug & Alcohol Tests	252.00
Gen	Ne Public Power District	Electricity	2,834.27
Rd	Ne Truck & Equipment Co., Inc.	Repair Parts	27.75
Rd	Nichols Construction Co	Gravel	4,772.55
Rd	NMC Exchange LLC	Repair Parts	145.27
Gen	North Office Supply	Office Supplies	27.99
Gen	O'Keefe Elevator Company, Inc.	Maintenance Agreement	354.53
Rd	O'Reilly Auto Parts	Repair Parts	324.55
Rd	Overland Sand & Gravel Company	Gravel	8,788.12
Gen	Pamida Stores Operation Co LLC	Medical-Prisoners	40.08
Drug Test	Lynn Peavey Company	Drug & Alcohol Tests	47.88

Gen, Rd,			
Visitors Prom	Perennial Public Power District	Electricity	361.99
Gen	Pieper Plumbing & Well Drilling Inc.	Building Maintenance	178.00
Rd	Power Plan	Equipment Rental	7,200.00
Rd	Precision Industries	Repair Parts	143.10
Rd, Weed	Rasmussen Auto Parts	Shop Tools	89.55
Cnty Bldg	Rasmussen Mechanical Services, Inc.	Building Repair	10,910.00
Rd	Don Robb	Reimbursement	75.32
Rd	Sahling Kenworth Inc.	Repair Parts	172.74
Rd	Sapp Bros. Petroleum, Inc.	Oil	4,551.62
Visitors Prom	Bob Sautter	Reimbursement	30.03
Rd	Snap-On Tools	Shop Tools	162.39
Gen	State of Ne Das Central Finance	Equipment Rental	448.00
Gen	Bruce Stephens	Attorney Fees	5,042.08
Sheriff	Time Warner Cable	Subscription	70.02
Visitors Prom	USA Outdoor II, LLC	Billboard Rental	360.00
Gen	Crystal Vavra	Reimbursement	35.00
Gen	Fred Weisheit	Mileage/Telephone	74.70
Rd	Weldon Industries, Inc.	Repair Parts	2,069.48
Gen	West Payment Center	Supplies	299.50
Gen	Eric J Williams	Attorney Fees	742.50
Visitors Prom,			
Visitors Imprv	York Area Children's Museum	Grants	3,150.00
Visitors Prom	York College	Publication	75.00
Gen	York County Court	Office Supplies	205.00
Gen	York County Sheriff	Postal Services	14.09
Rd	York Equipment, Inc.	Repair Parts	140.67
Rd	York General Hospital	Safety Equip	59.00
Gen	York Printing Company, LLC	Office Supplies	251.15
Gen,			
Visitors Prom	York Wholesale Company	Janitorial Supplies	48.90

At this time it is necessary to transfer budgeted funds from the Miscellaneous General to the Courthouse Building Fund.

Moved by Neujahr, seconded by Bergen to adopt Resolution #10-30 to transfer \$10,000.00 from Miscellaneous General to the Courthouse Building Fund; roll call: yeas, Neujahr, Bergen, Bulgrin, Bredenkamp and Brown; nays, none; motion carried.

RESOLUTION #10-30

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 4th day of May, 2010, and discussed the fact that in the proposed budget for 09-10, the Courthouse Building Fund would be funded by way of interfund transfer from the Miscellaneous General Fund; and

WHEREAS, at this time it is necessary to transfer proposed budgeted funds in order to meet obligations in the amount of \$10,000;

NOW BE IT RESOLVED, that the York County Treasurer shall transfer the sum of \$10,000.00 budgeted dollars from the Miscellaneous General Fund to the Courthouse Building Fund for the budget year of 2009-2010.

Dated this 4th day of May, 2010.

The Board solicited Informal Quotes to prepare the budget for either the next fiscal year or the next three years. The following quotes were received:

Mueller Financial Services of Grand Island			
	1 Year Quote	2010-2011	\$4,800.
	3 Year Quote	2010-2011	\$4,500
		2011-2012	\$4,700
		2012-2013	\$5,000
Mierau & Co., P.C. of York			
	1 Year Quote	2010-2011	\$6,800
	3 Year Quote	2010-2011	\$6,000
		2011-2012	\$6,000
		2012-2013	\$6,000
Contryman Associates P.C.			
	3 Year Quote	2010-2011	\$8,000
		2011-2012	\$8,500
		2012-2013	\$9,000

** Budget Amendment if necessary - \$94.00 - \$240.00 pr hr.

Moved by Bulgrin, seconded by Bredenkamp to enter into a contract with Mueller Financial Services for Budget preparation for 2010-2011 budget year for \$4,800.00; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

The Board went into executive session at 10:00 a.m. regarding property which is coming up on auction which is located

in Bradshaw which would replace the machine shed for the county maintainer. Present in the executive session were: Commissioners Bergen, Bulgrin, Bredenkamp, Neujahr and Brown; County Attorney Sutter and Highway Superintendent Robb.

Moved by Neujahr, seconded by Bergen to go into executive session at 10:04 a.m. to discuss purchase of property; roll call: yeas, Neujahr, Bergen, Bulgrin, Bredenkamp and Brown; nays, none; motion carried.

Brown restated the motion.

Moved by Neujahr, seconded by Bergen to come out of executive session at 10:42 a.m. where they discussed the purchase of property; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

Bids were opened at 10:42 a.m. Notice to Bidders was published on 4-12-10 and 4-30-10.

A letter was received from Titan Machinery of Lincoln in which they declined to bid.

Bids were received from:

Murphy Tractor

Option #1	John Deere 724J 2007 with 2698 hours	net cost	\$118,445.00
Option #2	John Deere 724J 2007 with 2698 hours	net cost	\$118,445.00
	Trade in 1995 Caterpillar 950F11 Loader		<u>-\$88,445.00</u>
	Total cost		\$40,704.00

Several payment options were discussed.

Nebraska Machinery Co-CAT

Option #1	Cat 966H (2008)	net cost	\$241,500.00
Option #2	Cat 966H (2008)	net cost	\$241,500.00
	Trade in 1995 Caterpillar 950F11 Loader		<u>-\$50,000.00</u>
	Total cost		\$191,500.00

Lease purchase is \$9,500.00 per month.

The Highway Superintendent will review the bids and make a decision in the next board meeting.

Andy Snyder of Smith Hayes Financial along with the Mayor of Henderson spoke with the Board regarding the assignment of \$600,000.00 of recovery zone bonds to the City of Henderson. This would be used for the purpose of constructing/updating a sewer project in the North Industrial Park.

Moved by Bergen, seconded by Bredenkamp to adopt Resolution #10-31 to issue recovery bonds; roll call: yeas, Bergen, Bredenkamp, Bulgrin, Neujahr and Brown; nays, none; motion carried

RESOLUTION #10-31

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF YORK, NEBRASKA ASSIGNING RECOVERY ZONE BOND LIMITATION TO THE CITY OF HENDERSON, NEBRASKA PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.

WHEREAS, The county of York, Nebraska (the “Assignor”) has received an allocation of the national Recovery Zone Economic Development bonds limitation in the amount of \$7,832,000 (the “Allocation”), pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009;

WHEREAS, the Assignor understands that the city of Henderson, Nebraska (the “Assignee”) will use the Allocation to issue Recovery Zone Economic Development bonds (the “Bonds”) pursuant to Section 1400U-2 of the Internal Revenue Code of 1986, as amended (the “Code”);

WHEREAS, the Assignor understands that the bonds will be issued in order to finance expenditures for qualified economic development purposes, within the meaning of Code Section 1400U-2©, with respect to an area that the Assignee, as the issuer of the Bonds, has determined has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress (the “Recovery zone Project”);

WHEREAS, the Recovery Zone Project is located within, or attributable to, both the jurisdiction of the Assignor and the jurisdiction of the Assignee; and

WHEREAS, the Assignor is authorized by applicable federal, state and local law to assign the Allocation, in whole or in part, to the Assignee for the purposes provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OR THE COUNTY OF YORK, NEBRASKA, AS FOLLOWS:

Section 1. Assignment of Recovery Zone Economic Development Bond Limitation. Based on the foregoing, the Board of Commissioners of the Assignor in good faith hereby assigns and transfers \$600,000 of its Recovery Zone Economic Development bond Allocation to the Assignee in order that the Assignee may issue Recovery Zone Economic Development Bonds.

Section 2. Further Authority. The appropriate staff and officers of the Assignor are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as may in their discretion be

deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Resolution in connection with assigning the Allocation.

Adopted by the Board of Commissioners of the County of York, Nebraska, this 4th day of May 2010.

At 11:00 a.m. the Chairman announced that the Board would be going into executive session to discuss personnel matters with the Veterans Service Committee. Present at the hearing were: Veterans Service Committee, County Commissioners, Don Sandman, Teresa Contatore, Pam Bourne, a NACO attorney with Spencer Faine, Britt and Brown and the York County Attorney along with several persons from the public.

Veterans Service Officer, Don Sandman waived executive session.

The Board continued the session with the above persons present along with Attorney Pam Bourne by telephone conference.

Ms. Bourne reviewed the HR audit which their firm conducted along with discussions which were made with the Department of Labor. A determination was made that the position of the York County Veterans Service Office is non-exempt and that it does not qualify to be a salary position. He does not supervise 2 or more employees; he does not fall under the administrative exemption as his primary duty as a Veterans Service Officer includes discussion and independent judgment with respect to matter of significance. He does not customarily and regularly direct the work of two or more full time employees or their equivalent (i.e. Hiring, firing and managing)

Also discuss was requirement on wage and hour on non-exempt employees including keeping track of time, break time etc. As an employer, they are required to track the employee and the time they work and pay them accordingly. The employees are required to fill out some type of time sheet that accurately records the time they work. By law, York County is required to insure that all non-exempt employees are accurately recording their time and that the records are being maintained. It is critical that in order to pay the employee the pay they are due, and also the employers can subject themselves to fines and penalties if they are not requiring the employee to record their time accurately on a seven day basis.

Chairman Brown advised that the handbook stated that if the County has time clocks, that they will use time clocks to track that time. There has been times that the time clock has not been used and also some discrepancies.

Borne replied that whatever procedure the county has, that's what you initiate. Whatever is going insure compliance with the Fair Labor Standards Act. There should not be discrepancies in time clock records. Their should be an investigation if there are inaccuracies if overstated or understated. They cannot work off the clock. Discrepancies must be addressed on a one by one basis. Breaks are per county policy. They are paid breaks by the county. If breaks are abused, you must have conversations with them and let them know what is expected of them. The county must ensure consistence with the policy.

Working at home was also addressed. Brown stated that the County provides a place of work in the Courthouse and it is open from 8:00 a.m. to 5:00 p.m.

Bourne stated that some counties allow employees to work from home due to disabilities but other counties do not due to a time card issue. Any time that Sandman works on behalf of the county, it must accurately be recorded on his timecard. If discrepancies arise, their needs to be follow up conversations to assure that he is getting the pay he is entitled to get.

Compensatory time was discussed regarding how it would be requested, how much could be accumulated, how long can it be banked. There must be an agreement in place. By law, someone in Mr. Sandman's position can only accumulate 240 hours of comp time. Counties can have different rules regarding the amount that can be banked.

John Day of Blue Valley came before the Board to give the annual report and budget request. The board will address the request when drafting the budget.

A list of surplus property was brought before the Board. Included on the list is a brown leather office chair #B0002; GSC Benjamin Tape Eraser model 24-028; Computer PC model Serial # 031398566.

Moved by Neujahr, seconded by Bulgrin to instruct the Fred Weisheit to either destroy or recycle the items; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Commissioner Brown and Neujahr will research the issue of comp time for all county employees.

Committee reports were given.

The Chairman declared the meeting adjourned at 12:30 p.m. The next meeting will be May 18, 2010 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

Augustus M. Brown Jr. Chairman
York County Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska